



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

Council Chambers – 3300 Newport Blvd.
Wednesday, September 12, 2012 – **5:30-6:30 PM**

Note earlier start time
and time-certain end.

Harbor Commission Members:

Doug West, Chair
Karen Rhyne
Ralph Rodheim

Brad Avery
Paul Blank

Duncan McIntosh
David Girling

Staff Members:

Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison:

Mayor Nancy Gardner

- 1) **CALL MEETING TO ORDER**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- 4) **PUBLIC COMMENTS**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- 5) **APPROVAL OF MINUTES from August 8, 2012**
- 6) **CURRENT BUSINESS**

1. ***Final Approval of Harbor Commission Objectives for Fiscal Year 2012-13***

The Harbor Commission will approve the Commission's Objectives for 2012-13 based on the input received at the August meeting.

Recommendation:

1. Approve the Harbor Commission objectives for fiscal year 2012-13; and

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or cityclerk@newportbeachca.gov.

2. Approve the assignment of Commissioners to each of the Objectives; and
 3. Approve the assignment of Commissioners to a respective Council Member for Harbor Commission/City Council coordination throughout the 2012-13 year.
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- 7) **SUBCOMMITTEE REPORTS**
 - 8) **QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**
 - 9) **HARBOR RESOURCES UPDATE** – Receive and File
 - 10) **PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE**
 - 11) **COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**
 - 12) **DATE AND TIME FOR NEXT MEETING:**

Wednesday, October 10, 2012
 - 13) **ADJOURNMENT**

NEWPORT BEACH HARBOR COMMISSION STUDY SESSION MINUTES
City Council Chambers
August 8, 2012

1) CALL MEETING TO ORDER

The meeting was called to order at 4:30 p.m.

2) ROLL CALL

Commissioners: Doug West, Chair
Brad Avery (arrived at 4:45 p.m.)
Paul Blank
David Girling
Duncan McIntosh
Karen Rhyne
Ralph Rodheim

Staff Members: Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Mayor Nancy Gardner

3) PUBLIC COMMENTS

This item was postponed after Item No. 4 of the meeting.

4) CURRENT BUSINESS

Chair West reported that the purpose of the present meeting is to receive and discuss the report of the sub-committee that was charged with developing a set of objectives for the Harbor Commission for the coming year. The sub-committee consists of himself, Duncan McIntosh and Brad Avery. He noted that with input from two other Commissioners (Commissioner Rodheim and Commissioner Blank), they have drafted a set of proposed objectives but that the draft proposal does not preclude other ideas that may develop during the study session. No decisions will be made at this time, but the subject of objectives will be reviewed. Decisions will be reserved until the regular meeting of the Harbor Commission later this evening.

Chair West added that the purpose of the objective-setting process is to focus and better manage the work of the Harbor Commission in the coming year. The objectives don't define everything that the Commission will do in the next year, but they describe the primary goals and efforts. He stated that the objectives are not a "to do" list for staff, and stressed the importance of everyone taking ownership of the objectives, moving forward.

Chair West presented an overview of the proposed objectives and stated the Commission would like to present to City Council a "State of the Harbor" presentation. He addressed the mission of the Harbor Management Plan and the category of objectives including ensuring the long term welfare of our Harbor for all residential, recreational, and commercial users and promoting Newport Harbor as a preferred and welcoming destination for visiting Southern California boaters and long-distance cruising yachts.

Commissioner Avery arrived at this juncture (4:45 p.m.).

Chair West addressed specific action items under the category of Ensuring the Long Term Welfare of Newport Harbor.

Commissioner Rhyne indicated she met with an individual from the Water Quality Committee and inquired whether the Commission will continue considering water quality in Newport.

Mayor Gardiner indicated that Council would like to better clarify the responsibilities of the Harbor Commission and the Coastal Bay Water Quality Committee, noting there has been overlap and confusion in the past. She noted that most of the environmental aspects will be the responsibility of the Water Quality Committee but the infrastructure and harbor focus will be the responsibility of the Harbor Commission. She suggested waiting until the issue is clarified.

Chair West noted that once the matter is resolved, other objectives can be added throughout the year.

Commissioner Rhyne inquired regarding commercial harbor activities, commercial charters, other issues related to the charter industry and issues regarding preservation of the commercial waterfront.

Commissioner Girling addressed the need for a community outreach program and providing public education. He suggested a proactive approach through writing articles and other activities to galvanize the community.

Commissioner Avery reported several issues did not reach the objective level and that the sub-committee discussed the possibility of issuing four articles throughout the year in the local newspaper and creating a Harbor Commission Facebook page.

Mayor Gardiner suggested moving the issue to a higher level in light of concerns expressed by the public regarding lack of information on who to contact for specific issues.

Chair West noted that the Commission is very sensitive to that issue and that the sub-committee considered using the Harbor Commission to create a more positive awareness in the community about what has been happening and generating a healthy dialogue.

The importance of public participation and feedback was noted and making it easier for the public to provide input.

Mayor Gardiner reported that the Bicycle Safety Committee in Corona del Mar has formed a sub-committee that will develop a plan for public outreach in conjunction with the City's Public Information Officer.

Chair West reported that charter activities were not included under the Harbor Code Enforcement Section but that it discussed the subject of noise in the Harbor, from any vessel. He stated that the Harbor Commission is not out to get the charter industry but that it is concerned regarding the effects that flow from it. Charter boats are not the only guilty parties when it comes to noise in the Harbor.

Discussion followed regarding noise from party charters and the possibility of addressing the issue within the objectives.

Harbor Resources Manager Miller reported that the charter industry and noise has always been on "the radar" and that the City relies on the Harbor Patrol for enforcement and that complaints are received, randomly.

Commissioner Rodheim stressed importance of education and communication and providing accurate information regarding who to contact for specific problems.

Discussion followed regarding violation of the noise ordinance by charter boats and private vessels. It was noted that the Harbor Patrol will not act unless it receives complaints and that the issue will not be resolved until there is increased enforcement.

A suggestion was made to inform Hornblower that there will be increased enforcement of the noise ordinance on Friday nights and that they would inform other charter organizations and also alerting the head of the Chamber regarding the problem.

Mayor Gardner reported that Council has received several emails of concern from residents who live in the turning basin anchorage area.

Commissioner Rhyne suggested referencing the Harbor Code noting the necessity of minimizing traffic congestion, parking shortages, excessive noise, discharge of waste, etc. and that the City Council intends that the health, safety and welfare of those who own and use property in the Newport Harbor are not adversely affected. She wondered if the Harbor Code is sufficient and if enforcement is being property wrought.

Mayor Gardiner indicated that this could be easily incorporated into an outreach goal and made into a separate objective out of the noise element.

Mr. Miller indicated that it could also be a part of objective number 4 and noted that it would relate to enforcement of existing code.

Discussion followed regarding challenges relative to the City not having presence on its own harbor, that enforcement of the Harbor Code has been outsourced to the Orange County Sheriffs and is not consistent.

Chair West suggested continuing discussion and possible action to the regular meeting later in the evening.

Chair West addressed investigating potential solutions to two longstanding obstacles to maintenance dredging of private docks and areas of the harbor that are outside the scope of USACE projects and pointed out that Linda Isle is a prime example of the problem. He noted that the Army Corp of Engineers is unable to dredge in the area and that residents are frustrated by the difficult permitting process and lack of smaller, scaled dredges. Chair West stated the idea is to engage the Harbor Commission in studying possible permitting strategies and the deployment of smaller-scale dredging equipment that would address the problems. He indicated that the sub-committee felt that one way to address the issue is to benchmark with other California Harbor communities to see how they solve dredging issues for homeowners and businesses.

It was noted that the issue of eel grass is imbedded into the objective and the focus is to try to develop approaches that are outside the scope and scale of the Army Corp of Engineers.

Interested parties were invited to address the Commission. There was no response and Chair West continued presenting the specific action items under the objective categories.

Chair West addressed developing recommendations for the highest and best public use of Lower Castaways the last remaining undeveloped city owned waterfront property.

Discussion followed regarding restrictions placed by the Irvine Company when the property was given to the City.

Mayor Gardner affirmed that the City cannot sell the property or develop commercial or residential properties but that there is no restriction on public use. She felt this would be a large contribution to the Harbor Commission.

Interested parties were invited to address the Commission. There was no response and Chair West continued presenting the specific action items under the objective categories.

Chair West addressed studying and developing recommendations for the reestablishment of harbor lines (bulk head, pier head, and project lines) so as to better conform with Harbor Code regulations and current uses of the harbor as well as engaging Harbor Resources Staff, City Attorney's Office and USACE to test willingness to undertake the process of resetting the harbor lines and develop consensus in defining the best

approach to this project, the latter of which was recommended by Commissioner Rodheim and is a robust objective.

Discussion followed regarding the need for a plan to resolve the problem and develop a consensus of the necessary parties to move the project forward and begin examining the feasibility of the project once Council gives the approval to proceed. Ensuing discussion pertained to the need to address the overhang issue.

Interested parties were invited to address the Commission on this item.

Dan Purcell stated that there is a concern but wondered whether if on project location would set precedent for others in the future.

There being no others wishing to address the Commission on this item, Chair West continued presenting action steps within the objectives.

Chair West addressed Develop recommendations to the City Council for greater effectiveness in the enforcement of certain provisions of the Harbor Code, e.g.: speed limit exception for sanctioned human powered and sail racing events, rehabilitation or removal of derelict vessels.

Commissioner Blank indicated he would put the latter on top of the list noting that the step would provide benefits to the community as a whole.

Mayor Gardner suggested the Commission may want to consider if these are priorities or objectives.

Chair West agreed with the need to set priorities in order to provide clarity to Council.

Interested parties were invited to address the Commission on this item.

Dan Purcell felt it would be beneficial to have a representative of the Harbor Patrol attend Commission meetings and noted that residents with time and interest could make observations and document incidences to report to the Harbor Patrol.

There being no others wishing to address the Commission on this item, Chair West continued presenting action steps within the objectives.

He addressed identifying strategies to improve boating education opportunities for beginners, novices and experts – particularly targeting Newport Beach residents.

It was noted that there is a lot of information available and that the issue could be considered as part of the outreach objective.

Commissioner Avery expressed concerns with the lack of boating-related programs through the City's Parks and Recreation Department. He felt the issue may change with the development of Marina Park.

Interested parties were invited to address the Commission on this item.

Dan Purcell referenced articles from Taylor Hill and felt the information would be beneficial to Newport Beach residents. He suggested using local newspapers for increased communication.

There being no others wishing to address the Commission on this item, Chair West continued presenting action steps within the objectives.

He addressed investigating implementation of a Harbor Bridge Adoption and Beautification program for several bridges, e.g. Lido Isle, Harbor Island, Balboa Island.

It was noted that a short-term goal would include a beautification program and making the bridges more aesthetically pleasing with a longer-term goal could include lighting the bridges.

Commissioner Rodheim indicated that the Balboa Island Bridge would be the responsibility of the Balboa Island Improvement Association. He inquired regarding whose responsibility it would be to maintain the bridges.

There were no public comments on this item.

Under the category of Promoting Newport Harbor as a Preferred and Welcoming Destination, Chair West addressed collaborating with Visit Newport Beach, Inc. to identify existing strengths, weaknesses and opportunities for developing our harbor as an even more desirable destination for visiting cruisers and defining specific strategies for increasing the number of visiting vessels, improving the visitor experience, and supporting the businesses which serve our visitors. He reported speaking with Gary Sherman of Visit Newport Beach who indicated interest, felt there is fertile ground for the organization to corroborate with the Harbor Commission and would be willing to work together.

Chair West addressed the goal of evaluating public anchorage alternatives and developing a recommendation to the Council, specifically addressing the concept of retaining the Turning Basin anchorage recently established as a temporary measure during the 2012 harbor dredging project. Interested parties were invited to address the Commission on this item.

Pam Whitesides expressed concerns regarding the anchorage near her home which has turned into a nuisance. She indicated that she has called the Harbor Patrol on various occasions regarding loud music and noise without remedy. Ms. Whitesides reported that the City has given permission for live bands in the area and agreed with the need for increased outreach to the community.

Chair West indicated that at this time, the Commission is only considering objectives for the next year and that her concern would not be resolved tonight but will, eventually. He addressed her comment regarding live bands in the anchorage area.

Mr. Miller reported that a lot of work will be needed in order to change the boundaries on the anchorage area. He noted that the location of the anchorage is temporary until the dredging project is completed and that the Harbor Commission will be considering a long-term solution and for the purposes of the immediate future, the anchorage will be reverting to the original area upon completion of the dredging project.

No one else wished to address the Commission on this item.

Discussion followed regarding jurisdiction for band permits in the area.

Chair West addressed evaluating the placement of existing public piers that facilitate visitor access to harbor area businesses and amenities as well as developing recommendations for the repositioning or development of additional piers to improve visitor access.

There were no public comments on this item.

3) PUBLIC COMMENTS

Chair West invited comments from those wishing to address the Commission on non-agenda items. There was no response and the public comments portion of the meeting was closed.

5) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 5:55 p.m.

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
August 8, 2012

1) CALL MEETING TO ORDER

The meeting was called to order at 6:05 p.m.

2) ROLL CALL

Commissioners: Doug West, Chair
Brad Avery
Paul Blank
David Girling
Duncan McIntosh
Karen Rhyne
Ralph Rodheim

Staff Members: Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Mayor Nancy Gardner

3) PLEDGE OF ALLEGIANCE – Commissioner Rodheim

4) PUBLIC COMMENTS

Interested parties were invited to address the Commission on agenda and non-agenda items.

John Vallely spoke on ensuring the long-term welfare of Newport Harbor and noted there is a Coalition to Preserve Newport Harbor that is concerned about the Tidelands charge being proposed of 20% of the gross income of businesses on the waterfront. He urged that the Harbor Commission issue a document for the City stating that the City needs to operate the Tidelands fund with full transparency and accountability for the inflow and outflow of all dollars fairly attributed to Harbor income and maintenance. He indicated that proper notice was not provided for the meeting. Commissioner Rodheim agreed that the welfare of the Harbor is an issue of concern.

David Adams commented on the recent raft ups in the turning basin and expressed concerns with the live band permits being issued and the related noise. He asked that the Commission consider the issue. Chair West noted that the Harbor Commission does not oversee permits for public-events but that staff will look into his concern.

Dan Purcell indicated a lot of the incidences occur at nights and weekends where there is no one available at the City offices. He stated enforcement on weekends and evenings is necessary.

Richard Russell commended the Commission on the Cruising Guide. He addressed the fee issue and felt that 20% of gross income is inappropriate. He indicated that an increase in residential rates will decrease property values and felt that a fixed rate would be fair. Commissioner Rodheim noted that the Harbor Commission serves at the pleasure of the City Council and has not been asked to have a role in the issues being discussed. He added that the Commission is generating a plan of objectives and goals to present to Council. If Council will allow the Commission to address the issue it will.

Mayor Gardner stated it is a sub-committee of the Council that is making a proposal and that Council has not been involved in the matter and will evaluate it at the appropriate time.

David Alder expressed concerns with raft-up related noise and live bands in the anchorage area. He was directed to call the Harbor Patrol in future incidences.

Mayor Gardner noted the City has a noise ordinance but that it does not have a presence on the water. Staff will advise the Harbor Patrol for increased enforcement going forward.

5) APPROVAL OF MINUTES from July 11, 2012

Corrections were noted to the minutes of July 11, 2012.

Motion: Commissioner Rodheim made a motion to approve the minutes of the Harbor Commission meeting of July 11, 2012, as amended. Commissioner Blank seconded the motion, which carried with 6 ayes, 1 abstention (Rhyne). Approved.

6) CURRENT BUSINESS

A. *Harbor Commission Objectives for Fiscal Year 2012-13*

The Harbor Commission will review and consider approving the Harbor Commission Objectives for 2012-13 which broadly focuses on: 1) Ensuring the long term welfare of Newport Harbor, and 2) Promoting Newport Harbor as a preferred and welcoming destination.

Recommendation:

1. Approve the Harbor Commission objectives for fiscal year 2012-13.

Chair West indicated the objectives were the subject of an earlier study session and presented each for consideration and approval.

Objectives were divided into two categories with specific goals identified under each.

There were no public comments on this objective.

Motion: Commissioner Rodheim made a motion to include the following in the list of objectives and goals for the coming year for the Harbor Commission: 1) Investigate potential solutions to two longstanding obstacles to maintenance dredging of private docks and areas of the harbor that are outside the scope of USACE projects. The primary obstacles are (1) the difficult permitting process and (2) a lack of small scale dredging operators. New environmental permitting strategies and effective deployment of smaller scale dredging equipment (public or private) will be studied and benchmarked with other California harbor communities. Report findings to the Council. Commissioner McIntosh seconded the motion, which carried, unanimously. Approved.

Chair West presented the second objective for consideration.

There were no public comments on this objective.

Motion: Commissioner McIntosh made a motion to incorporate the following into the objectives: Develop recommendations for the highest and best public use of Lower Castaways, the last remaining undeveloped city-owned waterfront property. Report recommendations to the Council. Commissioner Girling seconded the motion, which carried, unanimously. Approved.

Chair West presented objective 3a for consideration.

There were no public comments on this objective.

Commissioner Girling requested amending 3a stating that it is not limited to those objectives and that the Commission would be able to proceed with other actions related to that. It was noted that the language already exists allowing the Commission to proceed.

Motion: Commissioner McIntosh moved to include in the list of objectives, 3a Alternative) Engage Harbor Resources Staff, City Attorney's Office and USACE to test willingness to undertake the process of resetting the harbor lines and develop consensus in defining the best approach to this project. Report findings to the Council, seeking Council's approval to proceed. Commissioner Rodheim seconded the motion, which carried, unanimously. Approved.

Chair West presented objective 4 for inclusion in the list of 2012 objectives for the Harbor Commission.

Motion: Commissioner McIntosh moved to include in the list of objectives, 4) Develop recommendations to the City Council for greater effectiveness in the enforcement of certain provisions of the Harbor Code, e.g.: Speed limit exception for sanctioned human powered and sail racing events, Rehabilitation or removal of derelict vessels. Commissioner Girling seconded the motion.

Commissioner Girling indicated that he would like language inserted identifying others for the need for enforcement.

Amended motion: Commissioner McIntosh moved to amend the motion as follows: 4) Develop recommendations to the City Council for greater effectiveness in the enforcement of certain provisions of the Harbor Code, including, but not limited to e.g.: Speed limit exception for sanctioned human powered and sail racing events, Rehabilitation or removal of derelict vessels. Commissioner Girling seconded the amended motion.

Interested parties were invited to address the Commission on this item.

Dan Purcell felt that the City of Newport Beach Police needs a presence on the Harbor in addition to the Harbor Patrol.

There being no others wishing to address the Commission, public comments were closed.

The motion carried, unanimously. Approved.

Chair West presented goal number 5 for consideration.

Motion: Commissioner Avery moved to include 5) Identify strategies to improve boating education opportunities for beginners, novices and experts – particularly targeting Newport Beach residents in the list of objectives. Commissioner McIntosh seconded the motion.

There were no public comments on this item.

The motion carried, unanimously. Approved.

Chair West presented goal number 6 for consideration. There was no motion in support of the goal and it was therefore, not adopted.

There were no public comments on this item.

Commissioner Rodheim addressed issues to be added ensuring the long-term welfare of the harbor. He noted that Newport Harbor is unique in that it has a mix of businesses, non-profits and residential. If a fee structure were implemented that would negatively impact those areas, the issue should be addressed and included in the recommendations to Council.

Commissioner Rhyne suggested adding to the objectives identifying strategies to maintain water-related businesses, obtain input and make recommendations to Council.

Motion: Commissioner Rhyne moved to add the following to the objectives: Identify strategies to maintain water-related businesses, obtain input and make recommendations to Council. Commissioner McIntosh seconded the motion.

Interested parties were invited to address the Commission on this item.

Richard Russell felt the addition is a good one, noted that economics is forcing condo development in the Harbor and felt the new goal would add balance.

There being no others wishing to address the Commission, public comments were closed.

Chair West indicated the new objective would be defined as the new number 6.

The motion carried, unanimously. Approved.

Commissioner Rhyne addressed the issue of overhang and suggested a new objective identifying strategies to determine if the current overhang policy is sufficient, whether it needs to be refined and recommend any necessary changes.

Motion: Commissioner Rhyne moved to add a new objective to identify strategies to determine if the current overhang policy is sufficient, whether it needs to be refined and make recommendations for necessary changes. Commissioner Girling seconded the motion.

Interested parties were invited to address the Commission on this item.

Dan Purcell suggested looking at vehicle dimensions, not just length.

The motion carried, unanimously. Approved.

Discussion followed regarding adding an objective to develop an outreach program that more effectively disseminates Harbor issues to the community.

Motion: Commissioner Girling moved to add the objective of developing an outreach program that more effectively communicates Harbor issues to the community. Commissioner Blank seconded the motion.

There was no public comment on this issue.

The motion carried, unanimously. Approved.

Motion: Commissioner Rodheim moved to add the objective of continuing to explore alternative mooring solutions in the coming year. Commissioner Rhyne seconded the motion.

There were no public comments on this item.

The motion carried, unanimously. Approved.

Commissioner Blank inquired regarding the sub-committee's intentions regarding a reasonable volume of recommendations and the timeframe for reaching the objectives.

Chair West stated that the sub-committee felt that the set of objectives presented was a "do-able" list. He stated that the Commission is still within the "bandwidth" of the issues agreed.

Discussion followed regarding prioritizing objectives and assigning them to Members.

Chair West suggested that the sub-committee be charged with prioritizing the objectives and return to the Commission at its next meeting.

Chair West presented specific goals under the objective of "Promoting Newport Harbor as a Preferred and Welcoming Destination". Regarding the first goal, he reported meeting with Gary Sherwin of Visit Newport who indicated interested in working corroboratively with the Commission.

Motion: Commissioner Avery moved to include in the objectives 1) Collaborate with Visit Newport Beach, Inc. to identify existing strengths, weaknesses and opportunities for developing our harbor as an even more desirable destination for visiting cruisers. Define specific strategies for increasing the number of visiting vessels, improving the visitor experience, and supporting the businesses which serve our visitors. Commissioner Blank seconded the motion.

Chair West presented goal number 2 for consideration.

Motion: Commissioner Avery moved to include in the objectives 2) Evaluate public anchorage alternatives and develop a recommendation to the Council, specifically addressing the concept of retaining the Turning Basin anchorage recently established as a temporary measure during the 2012 harbor dredging project. Commissioner McIntosh seconded the motion.

Commissioner Rodheim wondered if the item should be included since it will involve a lot of work. He felt it should be removed from the objectives.

Chair West felt the issue is worth including and noted that the temporary anchorage will go away eventually. He pointed out that if the item is not included, it will just go away.

Discussion followed regarding the need to include it in objectives. One of the reasons to consider it is to establish an anchorage in the Harbor in a more-friendly position to visiting boaters.

Interested parties were invited to address the Commission on this item.

Seymour Beek commented in support of including the issue in the Harbor Commission's objectives.

There being no others wishing to address the Commission, public comments were closed.

The motion carried, unanimously. Approved.

Chair West presented goal number 3.

Discussion followed regarding the possibility of including existing piers.

Motion: Commissioner Rodheim moved to support including of 3) Evaluate the placement of existing public piers that facilitate visitor access to harbor area businesses and amenities. Develop recommendations for the repositioning or development of additional piers to improve visitor access within the Harbor Commission's objectives. Commissioner Avery seconded the motion.

There were no public comments on this item.

The motion carried, unanimously. Approved.

Discussion followed regarding additional items to consider and next steps in the process.

B. *Tidelands Project Planning – Review*

The Harbor Commission will review the Tidelands Management Committee's "Tidelands Project Planning" document and provide comments back to the Committee.

Recommendation:

1. Provide comments on the "Tidelands Project Planning" document.

Chair West introduced the item noting that the Tidelands Management Committee is asking the Harbor Commission to review their project planning document and provide feedback as appropriate.

Mayor Gardner noted that the plan is a five-year plan. She noted a distinction between capital and maintenance projects and noted that several issues are agency-driven, especially regarding water quality and habitat. She felt that it is critical to look at the document as a work-in-progress with the flexibility to change it as needed.

Discussion followed regarding lower-scale dredging, including mitigation banks, maintenance project categories and funds, inclusion of Marina Park construction costs, funding for possible public piers, including funds for public docks and Lower Castaways.

Ensuing discussion followed regarding comparing each line item under maintenance in 2013 going forward and clarification of the Balboa Island bulkhead assessment.

Discussion continued regarding lower bay dredging, West Newport Channel dates and recycling and maintenance for infrastructure.

Mr. Miller reported that many people have asked regarding taking advantage of current dredging operations for dredging smaller areas with no results.

Discussion followed regarding the possibility of considering water taxis and money spent on permits that have expired.

Shannon Levin, Harbor Resources Supervisor, summarized comments from the Commission noting the desire resources for future public docks for improving visitor access, including the Harbor Commission in discussions regarding Lower Castaways, re-evaluating funding amounts for 2020 and 2030 dredging, considering waste management and recycling and changing the date for the West Newport Channel.

Discussion followed regarding the possibility of considering moorings.

Interested parties were invited to address the Commission on this item.

Seymour Beek addressed the \$68 million for Balboa Island Seawall replacement. He wondered how it was determined that the seawall needed replacement.

Mayor Gardner reported that there is no effort to replace the entire seawall all at once but rather it would be piece-by-piece and over a long period of time, as needed.

Chair West noted that the document will be discussed further.

John Corrough addressed consideration of the issue by the Tidelands Management Committee as well as the process in developing the draft document. He stated that staff was directed to include much of the information on the City's website and encouraged the public to review it.

CONSENSUS: Members of the Commission concurred to provide the comments as discussed above to the Tidelands Management Committee.

7) SUBCOMMITTEE REPORTS - None

8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES - None

9) HARBOR RESOURCES UPDATE

Mr. Miller provided a PowerPoint presentation addressing a status update of the Lower Bay dredging project including approvals for additional funding and stages of Phase I and II work, RGP-54 status, Eelgrass and other issues including the next meeting of the Tidelands Management Committee. He reported that staff will return with a presentation on Eelgrass at a future meeting.

Discussion followed regarding improved water quality and the status of erosion of bay beaches as a result of the dredging process. Available online at www.newportbeachca.gov/harborcommission

10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE

Dan Purcell addressed bivalves in sandy beaches noting that they are gone.

Len Bose, Huntington Beach, addressed the Harbor Commission objectives and Mr. Miller noted that all handouts and information will be posted on the City's website.

11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Mr. Miller noted that a presentation will be provided at an upcoming meeting regarding the status of Eelgrass.

A training session was announced on August 16, 2012 at 11:00 a.m. Commissioners Avery and Girling will attend.

Commissioner Rodheim indicated that he will not attend the September meeting of the Harbor Commission.

12) DATE AND TIME FOR NEXT MEETING:

Wednesday, September 12, 2012

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:22 p.m.



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 1
September 12, 2012

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Final Approval of Harbor Commission Objectives for Fiscal Year 2012-13

ABSTRACT:

The Harbor Commission will approve the Commission's Objectives for 2012-13 based on the input received at the August meeting.

RECOMMENDATION:

1. Approve the Harbor Commission Objectives for fiscal year 2012-13; and
2. Approve the assignment of Commissioners to each of the Objectives; and
3. Approve the assignment of Commissioners to a respective Council Member for Harbor Commission/City Council coordination throughout the 2012-13 year.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

A handwritten signature in blue ink, appearing to read "Chris Miller", written over a horizontal line.

Chris Miller

Newport Harbor Commission Objectives FY 2012 – 13

September 12, 2012

The 2012-13 Harbor Commission Objectives will be presented to the City Council as part of a *State of the Harbor* presentation. These objectives are intended to support the mission of the Harbor Area Management Plan, which is:

“To protect and improve the resources of Newport Harbor, Upper Newport Bay, and the ocean beaches to ensure their proper use and enjoyment by all things that derive life, recreation, or commerce from our City’s most important asset.”

In keeping with this mission, the Commission’s objectives for the coming year are intended to advance two over-arching purposes: (1) ensuring the long term welfare of our Harbor for all residential, recreational, and commercial users; (2) promoting Newport Harbor as a preferred and welcoming destination for visiting Southern California boaters and long-distance cruising yachts.

Ensuring the Long Term Welfare of Newport Harbor

1) Investigate potential solutions to two long-standing obstacles to maintenance dredging of private docks and areas of the harbor that are outside the scope of USACE projects. The primary obstacles are (1) the difficult permitting process and (2) a lack of small scale dredging operators. New environmental permitting strategies and effective deployment of smaller scale dredging equipment (public or private) will be studied and benchmarked with other California harbor communities. Report findings to the Council.

2) Develop recommendations for the highest and best public use of Lower Castaways, the last remaining undeveloped city-owned waterfront property. Report recommendations to the Council.

3) Engage Harbor Resources Staff, City Attorney’s Office and USACE to test willingness to undertake the process of resetting the harbor lines and develop consensus in defining the best approach to this project. Report findings to the Council, seeking Council’s approval to proceed.

4) Develop recommendations to the City Council for greater effectiveness in the enforcement of certain provisions of the Harbor Code, including but not limited to:

Speed limit exception for sanctioned human powered and sail racing events

Rehabilitation or removal of derelict vessels

- 5) Identify strategies to improve boating education opportunities for beginners, novices and experts – particularly targeting Newport Beach residents.*
- 6) Identify strategies to maintain water-related businesses on the harbor. Develop recommendations to the Council.*
- 7) Continue ongoing study and investigation of vessel overhang regulations and general compliance throughout the harbor. Report to the Council with recommendations, if deemed appropriate.*
- 8) Develop a more effective public outreach to communicate the Harbor Commission's role, purpose, and objectives as a citizen advisory voice for the harbor community.*
- 9) Continue ongoing study of alternative mooring design solutions. Report recommendations to the Council, if deemed appropriate.*

Promoting Newport Harbor as a Preferred and Welcoming Destination

- 1) Collaborate with Visit Newport Beach, Inc. to identify existing strengths, weaknesses and opportunities for developing our harbor as an even more desirable destination for visiting cruisers. Define specific strategies for increasing the number of visiting vessels, improving the visitor experience, and supporting the businesses that serve our visitors.*
- 2) Evaluate public anchorage alternatives and develop a recommendation to the Council, specifically addressing the concept of retaining the Turning Basin anchorage recently established as a temporary measure during the 2012 harbor dredging project.*
- 3) Continue to evaluate the placement of existing public piers that facilitate visitor access to harbor area businesses and amenities. Develop recommendations for the repositioning or development of additional piers to improve visitor access.*

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2) Develop recommendations for the highest and best public use of Lower Castaways, the last remaining undeveloped city-owned waterfront property. Report recommendations to the Council. [Avery, Girling, Rhyne]

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[West, Blank]*

*Rehabilitation or removal of derelict vessels
[West, Avery]*

5) Identify strategies to improve boating education opportunities for beginners, novices and experts – particularly targeting Newport Beach residents. [Blank, Rodheim]

6) Identify strategies to maintain water-related businesses on the harbor. Develop recommendations to the Council. [McIntosh, Rodheim]

7) Continue ongoing study and investigation of vessel overhang regulations and general compliance throughout the harbor. Report to the Council with recommendations, if deemed appropriate. [Rhyne, Rodheim]

8) Develop a more effective public outreach to communicate the Harbor Commission's role, purpose, and objectives as a citizen advisory voice for the harbor community. [Girling, Avery]

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HARBOR COMMISSION COUNCIL LIAISON PAIRINGS

COUNCIL

COMMISSION

GARDNER

BLANK

CURRY

WEST

SELICH

RHYNE

HILL

AVERY

HENN

GIRLING

DAIGLE

RODHEIM

ROSANSKY

McINTOSH